

Congress of the United States
Washington, DC 20515

March 14, 2006

The Honorable Joshua Bolten
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Bolten,

As Members of the New York State delegation, we are writing to request that your office designate the Western Hemisphere Travel Initiative (WHTI) an economically significant regulatory action. An economically significant rule would require the Department of Homeland Security (DHS) to conduct a cost-benefit analysis of their proposed regulation in order to ensure that they both increase border security and facilitate the flow of legitimate trade and travel with Canada.

Published jointly by DHS and the Department of State (DOS) as an Advanced Notice of Proposed Rulemaking on September 1, 2005, WHTI is DHS and DOS' initiative to implement Section 7209 of the Intelligence Reform and Terrorism Prevention Act. Section 7209 requires that all US citizens and foreign nationals present a passport or combination of documents denoting both citizenship and identity when entering the US from the Western Hemisphere beginning in 2008. We support the intent of WHTI, and agree that DHS must ensure that those entering the country from Canada present valid and secure documents. But we also believe that WHTI can and must be implemented in a way that will not severely impact cross-border travel and trade.

New York's upstate economy is largely dependent on cross-border travel and trade with Canada. Tourist attractions, restaurants, cultural destinations, pro sports teams, hospitals, college and universities, and countless other businesses on both sides of the border rely on visitors from both nations for their livelihood. In 2004, Canadians made over 2.2 million visits to New York State, with an economic impact of over \$550 million. While upstate New York is the gateway for these visits, the top destination for Canadians is New York City.

Conversely, a recent survey of American travelers coming to Niagara Falls, NY found that nearly 70 percent had immediate plans to travel to Canada, and that a majority of them had chosen to come to the region because they can experience two countries at one destination. If these visitors are required to purchase documentation that is expensive or difficult to obtain, they will vacation elsewhere, resulting in a dramatic loss of revenue for New York State border communities.

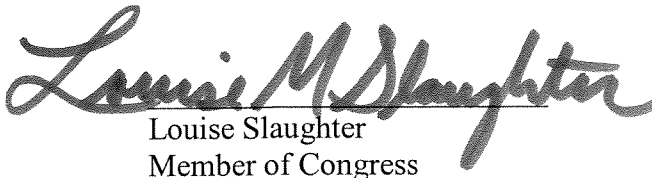
In addition, the Buffalo-Niagara region is a gateway for international trade. The Peace Bridge, connecting Buffalo to Fort Erie, is the country's second busiest border crossing, with over 1.3 million trucks and 20 billion dollars of commerce passing over it each year.

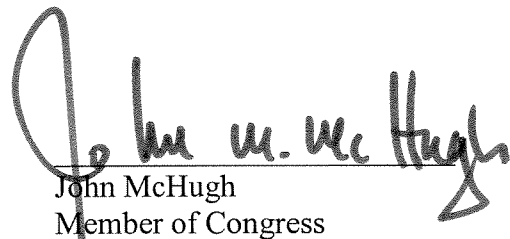
Fortunately, Executive Order (E.O.) 12866 requires the federal government to carefully analyze the economic consequences of proposed rules. To meet this requirement, Section 3 of E.O. 12866 mandates that a federal agency designate a proposed rule as a significant regulatory action if that rule may have an annual impact on the economy of \$100 million. Section 6 of E.O. 12866 clearly spells out that federal rules designated a significant regulatory action must undergo a thorough cost-benefit analysis prior to being printed in the Federal Register as a notice of proposed rulemaking.

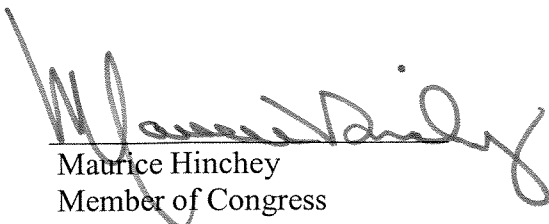
Evidence suggests that it will be difficult to avoid constructing the WHTI rule without dramatically affecting cross-border trade and commerce by more than \$100 million per year. DOS has indicated that implementation of WHTI will cost cross-border travelers above and beyond the \$100 million threshold. DOS' Deputy Assistant Secretary for Consular Affairs, Frank Moss, testified in front of the House Homeland Security Committee about WHTI on June 22, 2005. In his testimony, Mr. Moss suggested that the demand for passports due to WHTI will increase from 12 million in Fiscal Year 2006 to 17 million in Fiscal Year 2008. Assuming that the cost of an adult passport remains at \$97, cross-border travelers alone will be spending \$485 million over three years due to the WHTI requirements.

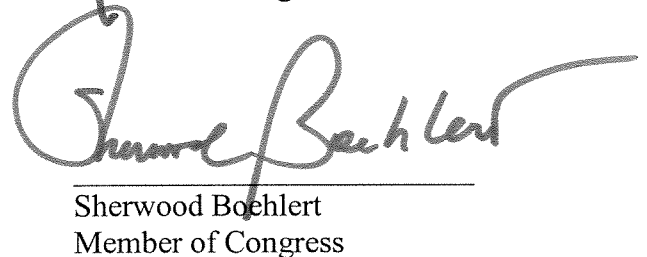
WHTI, if implemented poorly, will severely impact the travel and tourism industry as well as border communities in New York State. For WHTI to be implemented effectively, it is imperative that OMB designate the proposed rule an economically significant regulatory action and require DHS to conduct a thorough cost-benefit analysis. A cost-benefit analysis will assist DHS in evaluating secure and cost-effective options for implementing WHTI, while avoiding adverse effects on legitimate travel and trade with Canada. We appreciate your attention into this matter, and await your prompt response.

Sincerely,


Louise Slaughter
Member of Congress


John McHugh
Member of Congress


Maurice Hinchey
Member of Congress

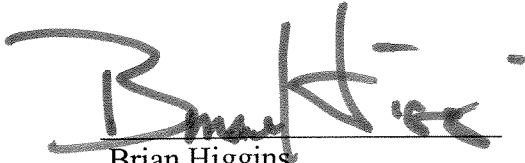

Sherwood Boehlert
Member of Congress



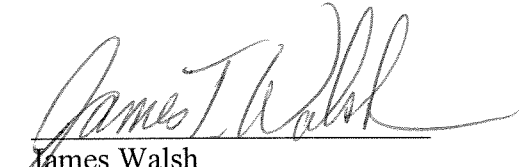
Edolphus Towns
Member of Congress



Randy Kuhl
Member of Congress



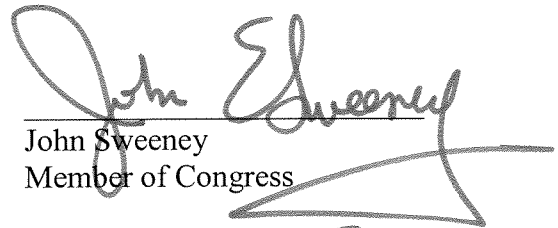
Brian Higgins
Member of Congress



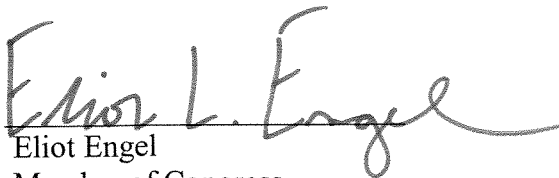
James Walsh
Member of Congress



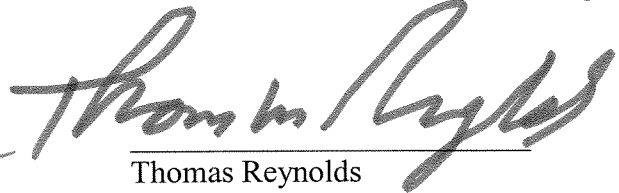
Nydia Velazquez
Member of Congress



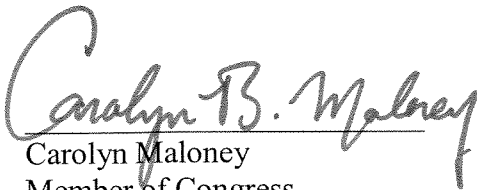
John Sweeney
Member of Congress



Eliot Engel
Member of Congress



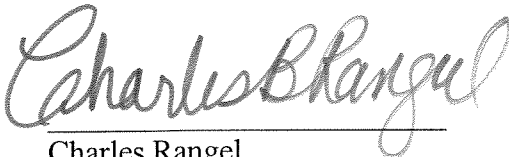
Thomas Reynolds
Member of Congress



Carolyn Maloney
Member of Congress



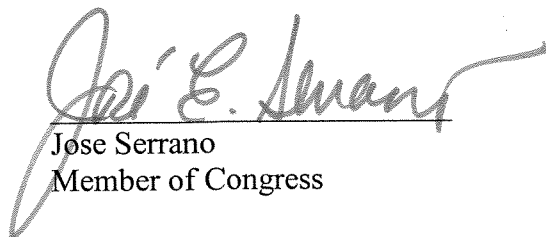
Michael McNulty
Member of Congress



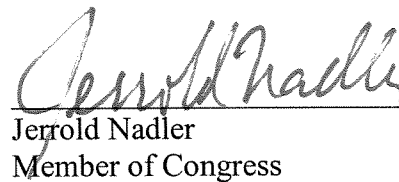
Charles Rangel
Member of Congress



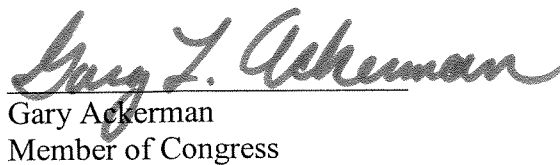
Major Owens
Member of Congress



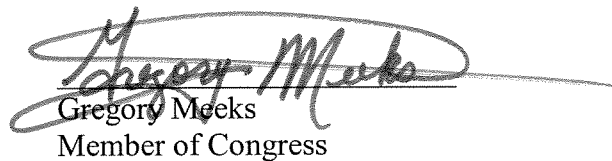
Jose Serrano
Member of Congress



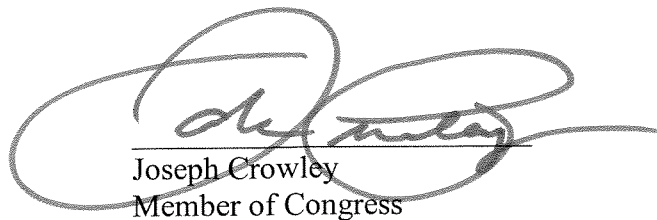
Jerrold Nadler
Member of Congress



Gary Ackerman
Member of Congress



Gregory Meeks
Member of Congress



Joseph Crowley
Member of Congress

cc. The Honorable Michael Chertoff, Secretary of Homeland Security
cc. The Honorable Condoleezza Rice, Secretary of State